

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRAVELERS PROPERTY,

No. C 10-02757 CRB

Plaintiff,

**ORDER DENYING MOTION TO LIFT
STAY**

v.

CENTEX HOMES,

Defendant.

Plaintiff Travelers Property has filed a Motion to Lift Stay (dkt. 367). The Court finds this matter suitable for resolution without oral argument pursuant to Civil Local Rule 7-1(b) and VACATES the hearing on calendar for December 2, 2011. The Court granted a stay primarily in the hope that the resolution of the underlying cases would bring some clarity to the issues of (1) Travelers's prejudice and (2) Centex's defense fees. See Ferrentino Decl. (dkt. 372) Ex. 1 at 6:24-7:3 ("But it's so difficult to put – to litigate a case in which we're talking about prejudice without knowing either the outcome or knowing the dollar amount. I mean, you can do the dollar amount, but you can't tie it to the outcome. So that's why I think I would just grant the stay."). Both are issues that are difficult, if not impossible, to determine while those cases are ongoing. The underlying cases are still ongoing. Opp'n (dkt. 371) at 1 ("nothing has changed in the underlying cases since the case was stayed").

Moreover, Travelers has not demonstrated that it is prejudiced by the stay. Accordingly, the Motion to Lift Stay is DENIED.

IT IS SO ORDERED.

Dated: November 21, 2011



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE